

ORIGINAL

NATHAN SCOTT HARRIS

1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF TEXAS
3 MIDLAND-ODESSA DIVISION

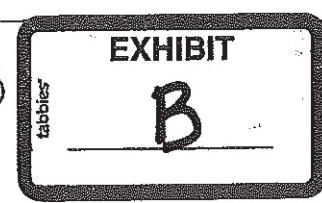
4 MICHAEL ALLEN and)
5 NATHAN SCOTT HARRIS)
6)
7)
8 VS.) CIVIL ACTION
9) NO. 7:16-cv-47-DAE
10)
11 PRIORITY ENERGY)
12 SERVICES, LLC and)
13 PRIORITY WELL TESTING,)
14 LLC)

15

16 ORAL AND VIDEOTAPED DEPOSITION OF NATHAN SCOTT HARRIS
17 Taken August 11, 2016
18

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20 ORAL AND VIDEOTAPED DEPOSITION OF NATHAN
21 SCOTT HARRIS, produced as a witness at the instance of
22 the Defendants, and duly sworn, was taken in the above
23 styled and numbered cause on August 11, 2016, from 9:11
24 a.m. to 1:30 p.m., at the offices of Permian Court
25 Reporters, 605 W. Texas Avenue, Midland, Texas, before
 Cathy Cummins, Certified Shorthand Reporter Number 5837
 in and for the State of Texas, reported by computerized
 stenotype, pursuant to the Federal Rules of Civil
 Procedure.



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17 THE VIDEOGRAPHER:

18 MR. JOE DON LILLY
19 MR. MARTIN LILLY

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1 a senior operator or even a mid-level operator, have you
2 directed the work of junior operators?

3 A. I have directed, yeah.

4 Q. Okay. Where did you direct the work of junior
5 operators?

6 A. In any company I worked for that I was a higher
7 operator.

8 Q. Okay. So one difference between a lower-level
9 operator and a more senior operator is experience?

10 A. Yes.

11 Q. The ability, I guess, to handle a situation
12 that junior operators have never seen before, right?

13 A. Yes.

14 Q. And you use that experience, along with
15 judgment and discretion, to handle problems as they come
16 up?

17 A. Yes.

18 Q. Okay. And then another difference between a
19 junior operator and a senior operator is, the senior
20 operator is able to direct the work of the junior
21 operator, whether they decide to do that or not?

22 A. To an extent.

23 Q. Okay. Explain what you mean.

24 A. I can't tell them to go do something, and then
25 if they don't go do it, I can't do anything about that.

1 So therefore --

2 Q. So your testimony today -- go ahead. I didn't
3 mean to cut you off.

4 A. Therefore, you can't -- I mean, you can't tell
5 them what to do pretty much. If they want to do it,
6 they'll do it. If they don't want to do it, then they
7 don't have to do it.

8 Q. So it's your testimony here today that if you,
9 as a senior operator, told a junior operator to perform
10 a task and that junior operator says, "No," that you --
11 there's nothing you can do about it?

12 A. Call my boss, and then he would have to take
13 care of it.

14 Q. Okay. Explain what you mean by that.

15 A. Call the manager, tell him, "I really would not
16 like the guy on the well. I would like somebody else
17 out there. Could you send somebody else?"

18 Q. So there is something you could do about it if
19 that junior operator didn't listen to what you said?

20 A. Not if my boss don't want to switch him out.

21 Q. So in answer to my question, there is something
22 you could do about it if that junior operator did not do
23 what you asked him to do?

24 A. Like I said, all you can do is call the boss.
25 And if he wants to switch them out, then they can do it.

1 Q. Okay. So you can call your boss and tell your
2 boss?

3 A. Yes. The same as him. He can call the boss on
4 me, too. So --

5 Q. Okay. And in your experience, does the boss
6 listen to you or to the junior operator when you have an
7 altercation where you told the junior operator to do
8 something and they refused?

9 A. It's kind of a give and take. Sometimes they
10 do. Sometimes they don't.

11 Q. Okay. I guess we're going to have to talk
12 about specific situations. So -- and we'll get to
13 Priority specifically in a minute. But my understanding
14 of this entire industry is falling apart a little bit
15 with your testimony, because --

16 A. Okay.

17 Q. -- the junior, senior hierarchy is just kind of
18 something that I've understood, throughout the industry,
19 to mean that the senior operator is able to direct the
20 work of the junior operator. And if the junior operator
21 doesn't listen to the senior operator, then the senior
22 operator has the ability to, at least, call the boss and
23 say, "Hey, take this person off my crew," and nine times
24 out of ten, that's going to happen. Is that accurate?

25 MR. SULLIVAN: Object to the form of the

1 question.

2 A. No. I mean, I thought some guys might have
3 needed it, but I never did recommend them.

4 Q. Why didn't you recommend them?

5 A. Just never did. Never had a chance to.

6 Q. What do you mean you never had the chance to?

7 A. I was always working. I never got to sit down
8 and talk to the management.

9 Q. So sitting here today, you can't testify that
10 you know that if you had made a recommendation to
11 management at Priority, that they would or would not
12 have taken the recommendation?

13 A. No, I don't have any idea.

14 Q. Because you never made a recommendation?

15 A. No. I asked for a guy to get hired one time,
16 and we didn't hire him.

17 Q. What's the name of the guy who you asked to
18 get -- what's the name of the person who you tried to
19 get a job at Priority?

20 A. I -- really, I don't remember names for
21 nothing. I really don't.

22 Q. So this wasn't someone you knew very well?

23 A. No.

24 Q. And who did you talk to about trying to get
25 this person a job at Priority?

1 A. Craig.

2 Q. Craig. And what's Craig's last name?

3 A. Struck.

4 Q. And what did Craig say when you asked him to
5 hire your friend or acquaintance?

6 A. We weren't hiring at that time.

7 Q. And did you just let it go after that?

8 A. Well, there's another guy they did hire that I
9 did ask, you know, just based on his experience.

10 Q. So there was another guy who you recommended to
11 Craig Struck again, and that Priority did hire?

12 A. Yes.

13 Q. Okay. Do you remember that guy's name?

14 A. No, I don't. I really have a horrible time
15 with names.

16 Q. And did he work -- the guy who you got a job,
17 did he work at Priority during the same time that you
18 worked at Priority?

19 A. For a little bit.

20 Q. And what happened? Did he lose his job, or --

21 A. He went back to the company he was working for
22 before.

23 Q. Other than this one guy who we're talking about
24 who you recommended and then was hired, is there anyone
25 else who you recommended for a job that was then hired?

1 A. Maybe my dad.

2 Q. So your dad worked for Priority?

3 A. Yep.

4 Q. So if I'm understanding you correctly, during
5 your time at Priority, you recommended three different
6 people for a job, and of those three people, two of them
7 were hired?

8 A. Yes.

9 Q. And the one person who was not hired, the
10 reason that you were given for him not being hired was
11 that Priority was not hiring anyone at that time?

12 A. Yes.

13 Q. Okay. So I want to go back to what we were
14 talking about earlier where you said the difference
15 between a senior operator and a junior or mid-level
16 operator is knowledge and experience. And you said that
17 typically a senior operator or a field supervisor will
18 see an operator working out in the field, see them
19 handle difficult situations, and then recommend them for
20 promotion, correct?

21 A. Yes.

22 Q. And then you testified that you specifically
23 didn't recommend people for hire. Is that accurate? I
24 know at least with respect to Priority, that's what you
25 said -- or for promotion. You didn't recommend people

1 applied for testing, field foreman, and shop manager.
2 Does that sound right?

3 A. They were looking for a shop manager at the
4 time because they didn't have anybody, but I did not do
5 that. And then a field supervisor is what I really
6 wanted, but I was not given that.

7 Q. Did you feel you were qualified for the field
8 supervisor position?

9 A. I did to a point, but they didn't have a
10 position for it.

11 Q. And so the next step down was like senior
12 operator?

13 A. Yes.

14 Q. Okay. And that's what you were hired as?

15 A. Yes.

16 Q. Who was the field supervisor that you worked
17 for at Priority?

18 A. When I first started, there wasn't one.

19 Q. Okay. And is that because they just didn't
20 feel like they needed one at the time?

21 A. We didn't hardly have that much work -- or -- I
22 can't say "that much work." We were just getting our
23 foot in the door, I guess you could say, in West Texas.

24 Q. Got you. And so who did you report to when you
25 first started working and there was no field supervisor?

1 A. Craig.

2 Q. Okay. And what was Craig's position?

3 A. He's the manager.

4 Q. Is that like general manager, or --

5 A. Yeah. He was the manager over the flowback
6 department.

7 Q. And was it Craig's job to kind of make sure
8 that all the different jobs going on at any given time
9 were all running smoothly?

10 A. Yes.

11 Q. And then if there were multiple jobs going on,
12 would he drive from job to job, or would you guys call
13 and report to him on how the job was going? How did he
14 monitor what was going on at different jobs?

15 A. Sometimes he would drive. If he couldn't make
16 it, he would call and ask how it was going, and we'd let
17 him know.

18 Q. Okay. And would he call you?

19 A. Sometimes, yes. And sometimes we would just
20 have to call him with an update.

21 Q. Okay. And then as the senior operator, are you
22 the person who's kind of interfacing with the company
23 man more often?

24 A. Yes.

25 Q. Okay. And if something came up with the

1 A. Yes.

2 Q. Okay. And this is not the kind of thing that
3 he would go ask a junior operator about, right?

4 A. They would, but they didn't make -- sometimes
5 they could answer it. Sometimes they couldn't.

6 Q. Okay. And if the junior operator was asked a
7 question they couldn't answer, would the junior operator
8 then come to you as the senior operator?

9 A. Yeah, knowing that we have more experience,
10 they would.

11 Q. And then how did this change once you guys got
12 a field supervisor? Did you still call Craig whenever
13 issues came up if need be, or did you start calling the
14 field supervisor instead?

15 A. The field supervisor pretty much took care of
16 everything.

17 Q. Who was the field supervisor?

18 A. Danny Harris.

19 Q. Danny Harris? So once the field supervisor was
20 hired -- do you remember how long after you started
21 working for Priority that happened?

22 A. He was hired, I want to say, around the same
23 time I was, but was just a Level 6.

24 Q. So Danny was a Level 6 senior operator, and
25 then he was promoted sometime later to field supervisor?

1 A. Yes.

2 Q. Okay. Do you know if it was a month after he
3 started working? Two months? A year?

4 A. I -- maybe a couple of months.

Q. It looks like you started working for Priority
in May, 2013, and you left Priority, the first time, in
August, 2013.

A. Somewhere in there.

9 Q. So you only worked there about three months the
10 first time?

11 A. No. It was more than that. I might have
12 screwed up on the dates.

13 Q. Well, I'm looking at the paperwork that we have.

14 A. Okay. I want to say it was more than three
15 months.

16 Q. I know you came back later and worked longer
17 than three months.

18 A. Uh-huh (affirmative). The first time was
19 longer than three months, too.

20 Q. Okay.

21 A. If I'm not mistaken.

22 Q. Well, let's get that figured out real quick.
23 Do y'all need a break?

A. Yes, I would like one.

25 MS. HILL: Let's take a break.

1 THE VIDEOGRAPHER: All right. Off the
2 record at 10:12.

3 (Recess from 10:12 a.m. to 10:24 a.m.)

4 THE VIDEOGRAPHER: We're back on the
5 record. It's approximately 10:24.

6 Q. (BY MS. HILL) Mr. Harris, we just took a
7 little break, but you understand you're still under
8 oath, right?

9 A. Yes.

10 Q. Okay. We were just trying to figure out the
11 dates of your employment the first time that you worked
12 for Priority. Do you recall that?

13 A. I do not. I want to say it was longer than
14 three months.

15 Q. Okay. I'm going to hand you what I'm marking
16 as Exhibit 2 to your deposition.

17 (Deposition Exhibit 2 marked)

18 Q. And if you look in the upper right-hand corner
19 there, it says, "Date of Hire, 5/20/2013." Do you see
20 that?

21 A. Uh-huh (affirmative).

22 Q. And it's got your name on it, right?

23 A. Yeah.

24 Q. And do you want to look this over and see if
25 everything here is correct and accurate and as you

1 remember it at the time?

2 (Pause)

3 A. Yeah, somewhere in there.

4 Q. Is that your signature down there at the bottom?

5 A. Yes. But you see down there, it's also signed
6 5/15.

7 Q. Okay. So can we agree that --

8 A. It's right around that area.

9 Q. -- right around May, 2013, you started working
10 for Priority as a Level 6 senior operator?

11 A. Yes.

12 Q. Okay. Do you have any reason to believe that
13 this form would be inaccurate?

14 A. No.

15 Q. Okay.

16 (Deposition Exhibit 3 marked)

17 Q. And I'm going to hand you what we'll mark as
18 Exhibit 3. Do you see that's called an "Employee
19 Separation Form" there at the top? Do you see that?

20 A. Okay.

21 Q. And do you see the last day worked there is
22 August 22nd, 2013?

23 A. Okay.

24 Q. And by "okay," do you mean yes, you see it?

25 A. Yes. Oh, yeah, I see it.

1 Q. Okay. Do you have any reason to believe that
2 this Employee Separation Form listing August 22nd, 2013,
3 as your separation date is inaccurate?

4 A. No. I mean, if that's when they have it. But
5 I did -- I thought I did work there longer the first
6 time.

7 Q. When you say you thought you worked there
8 longer, do you think you worked there another month
9 longer or another year longer? I mean, what --

10 A. No. Like another month or two longer.

11 Q. Okay. So is it possible that your memory is
12 just failing you?

13 A. Yes, it could be.

14 Q. Okay. Do you have any reason to believe -- I
15 think I already asked this -- but that the Employee
16 Separation Form is inaccurate?

17 A. No. I mean, I never did sign it or see it,
18 so --

19 Q. Okay. Do you -- do you have any reason to
20 think that Priority would put an earlier date for your
21 last day worked than what you actually worked?

22 A. Not really.

23 Q. Okay. And you'll agree that your payroll
24 records will indicate when your last day worked was, at
25 any rate?

1 Q. So if you needed more personnel, you would call
2 your supervisor and say, "Hey, I need some help out
3 here"?

4 A. Yes.

5 Q. Okay. Give me an example of a problem that
6 will come up where you wouldn't need to call your
7 supervisor, something that you and the company man could
8 handle just between the two of you.

9 A. He would come tell me, "Open the well up," "Get
10 some trucks," "Haul the water." Just everyday things
11 that happen.

12 Q. So for the day-to-day process, you were able to
13 talk with the company man and handle issues as they came
14 up?

15 A. On smaller things, yes.

16 Q. Okay. And then whenever extraordinary
17 circumstances arose, you would have to call your
18 supervisor?

19 A. Yes.

20 Q. Okay. Give me some other examples of times
21 that you would not need to call your supervisor, other
22 than when the company man tells you to open the well up,
23 get trucks, or haul water. What are some other things
24 that you could handle -- problems that would arise that
25 you could handle without having to call your supervisor?

1 A. The -- shutting the well in, changing seat and
2 stems. I mean, just maintenance work and stuff like
3 that on certain equipment or something washes out.

4 Q. Other than maintenance work and the normal
5 day-to-day operations that you were able to do without
6 consulting your supervisor, are there any types of
7 problems that would arise that you could handle other
8 than just day-to-day maintenance? So let's say just
9 something goes wrong with the frac, and you're able to
10 handle it without getting on the phone and saying, "Hey,
11 how do I handle this?" Can you give me an example of
12 that?

13 A. Really, only two things can happen during a
14 drill out. They either screen out or they get the frac
15 done. So it's just opening the well up. Yes, I can
16 handle it.

17 Q. Okay. Other than needing more personnel, what
18 types of things would you have to call your supervisor
19 for?

20 A. If I needed other parts or anything like that.

21 Q. So basically, you would call your supervisor if
22 you needed some support, you needed new parts, you
23 needed new personnel. Anything else?

24 A. Relief, anything like that.

25 Q. By "relief," you mean them sending someone else

1 right?

2 A. Yes.

3 Q. Anything besides, again, the personnel issues,
4 when you need new parts, when you're reporting something
5 catastrophic like the rig up being done incorrectly,
6 safety issues? Anything else that you would call your
7 supervisor for?

8 A. Not really.

9 Q. Okay.

10 A. Not too often, no.

11 Q. Okay. So that's during the frac. So I guess
12 continue taking me through the process. What happens
13 when the frac is complete?

14 A. So you get done with the frac. As soon as the
15 frac is done, you bring in a test separator flare, your
16 test equipment, move tanks around location, rerig all
17 your stuff. So if you finish the frac at 2 o'clock in
18 the morning and they want the well open by 6:00 in the
19 morning, you're going to work your butt off to get all
20 that done.

21 So you start flowing the -- flowing to a
22 tank. If you've got enough gas to go through your
23 separator, you turn it through your separator. If you
24 don't, you flow it to the tank until you do get enough
25 gas.

1 And once you start doing that, you -- I
2 mean, you're sitting there on top of it making sure that
3 you're not overrunning tanks, that you're getting water
4 pulled out, that you're selling the oil if you're making
5 oil, that your flare is still working right, that your
6 vessel isn't flooding. There's a lot of things that go
7 on.

8 Q. So is this -- is this the crux of the job, this
9 is the well test stuff that you're doing right here at
10 this stage?

11 A. To attempt -- to an extent, yes.

12 Q. And I understand that there is these other
13 duties that you do that go along with being a well test
14 operator.

15 A. Uh-huh.

16 Q. Where you are monitoring the frac, you're doing
17 rigging up, you're doing rigging down. But this period
18 of time here where you're doing all this monitoring,
19 you're running the separator, you're making sure that
20 everything is working correctly, this is really the
21 stuff where all that knowledge and experience is really
22 coming in, right?

23 A. Yes.

24 Q. Okay. And is this what you would describe as
25 the primary duty of a well test operator?

1 A. Of a well tester, yes.

2 Q. Okay. And you qualified your answer of a well
3 tester. So is there something about a well test
4 operator that's different from a well tester?

5 A. No. You've got a flowback operator, and you've
6 got a well test operator.

7 Q. And so when you're working as a well test
8 operator, this process that you just described to me
9 with all the monitoring and all the making sure that
10 things are going correctly, this is the primary function
11 of a well test operator?

12 A. Yes. Production.

13 Q. Okay. Sorry?

14 A. Production.

15 Q. Production?

16 A. Yeah.

17 Q. Okay. And so while there may be a lot of
18 manual labor going into it and coming out of it, a lot
19 of what you're doing at this stage is kind of sitting on
20 the well, making sure -- and maybe I'm saying that
21 incorrectly -- but monitoring the well and making sure
22 everything is going okay while maybe, at times, having
23 to get up and run and go fix a few things. But usually,
24 typically, you're sitting in a chair monitoring
25 computers. Is that accurate?

1 A. No.

2 Q. Okay. Explain to me how that's incorrect.

3 A. You are sitting outside in front of a
4 separator --

5 Q. Okay.

6 A. -- watching it.

7 Q. So I guess, like, when I said computer, I
8 should have said separator?

9 A. Yep.

10 Q. You're sitting monitoring a separator?

11 A. Yeah. But you've still got to go gauge tanks
12 every hour, you've still got to dump sand every 10 or 15
13 minutes, depending on how much you're making, still --

14 Q. Can I get you to slow down just --

15 A. Yeah.

16 Q. So you've got to -- every 10 to 15 minutes,
17 you're dumping sand?

18 A. That's if you're making that much. It varies.
19 Sometimes it's 30 minutes. Sometimes it's an hour. It
20 just depends on what the well is doing.

21 Q. Give me an example of a time that you had to go
22 dump sand every 10 to 15 minutes. What kind of job was
23 it? What were the circumstances?

24 A. Usually on a fresh open, you do.

25 Q. And how often are you dealing with a fresh

1 open?

2 A. Ninety-five percent of the time.

3 Q. Okay. So your testimony today is that 95
4 percent of the time while you're working as a well test
5 operator, you're getting up every 10 to 15 minutes to
6 dump sand?

7 A. On the start of the job.

8 Q. On the start of the job? On the start of this
9 phase of the job?

10 A. Yes.

11 Q. Okay. And how long does that last where you're
12 dumping sand every 10 to 15 minutes?

13 A. It can last anywhere from a day to 20 days.

14 Q. And at what point in the job do you no longer
15 need to dump sand any longer? What happens to where you
16 can say, "Okay. We're done with that phase. We're not
17 dumping sand anymore"?

18 A. Sometimes the pumper is still dumping the sand
19 when he comes by and takes over the well.

20 Q. Say that again.

21 A. Sometimes when a pumper comes and takes over
22 the well from well testing or flowback, say it's good
23 enough to release to the production company, they're
24 still having to dump sand. Every well is different. I
25 mean, I wish I could give you a baseline on what it is,

1 to tell me how often you were dumping sand every 10 to
2 15 minutes versus how often you were dumping sand every
3 5 to 10 hours?

4 A. Yeah.

5 Q. Okay. It just varies depending on the job?

6 A. Yes.

7 Q. And sometimes you would have more than one
8 person out there such that you guys were able to split
9 the sand dumping duties, correct?

10 A. You and one other guy. So if he's awake and he
11 wants to go out there and help you, he's going to go out
12 there and help you.

13 Q. And as you testified earlier, as a senior
14 operator, you're able to direct the work of junior
15 operators, correct?

16 A. To an extent, yes.

17 Q. So is -- dumping sand is the type of thing that
18 if you wanted to, you could tell a junior operator to go
19 do if they're there on a site with you?

20 A. I couldn't tell him to go do it and him have to
21 go do it. That's what I'm trying to explain to you. I
22 can't -- it's not like, "Hey, go dump that sand. If you
23 don't do it, you're fired." No.

24 Q. Well, that's not what I'm asking. I'm --

25 A. Okay. But, I mean, that's what I'm telling

1 you. I can't do that. I can tell him, "Hey, could you
2 go dump that sand real quick while I'm doing this?"

3 "Yeah, I'll go do it," or, "No, I won't go
4 do it."

5 "Well, fine, then. I'll get it done."

6 Q. How often did a junior operator tell you no
7 when you asked them to perform a duty?

8 A. Not very often, but it has happened.

9 Q. Just like in any job anywhere, a person can
10 tell their boss no, right? It's a free country?

11 A. Uh-huh (affirmative).

12 Q. So these junior operators can tell you no if
13 they wanted to, right?

14 A. Yeah. They could tell me no on everything
15 because I wasn't their boss. I mean --

16 Q. You were a senior, and they were a junior,
17 right?

18 A. Yes.

19 Q. And they came to you with questions, right?

20 A. Sometimes, yes.

21 Q. So that's a yes?

22 A. Sometimes, yes, they came with questions.

23 Yeah.

24 Q. And you were able to direct their work, correct?

25 MR. SULLIVAN: Object to the form of the

1 question.

2 A. No, not all the time. No.

3 Q. I'm not asking you about all the time. I'm
4 asking you in general. Were you able to direct their
5 work?

6 MR. SULLIVAN: Object to the form of the
7 question.

8 A. Sometimes, yes.

9 Q. So the answer to my question is yes, you were
10 able to direct their work?

11 A. I guess. I mean, yeah.

12 MR. SULLIVAN: Object to the form of the
13 question.

14 Q. And the reason you're having such a hard time
15 answering my question, I think, is because you're
16 telling me that you couldn't fire them on the spot if
17 they said no, right?

18 A. That's not -- I mean, no, that's not even it.
19 I mean, I just -- we were out there working together,
20 not as a boss and as an underling, no. We worked
21 together. If they wanted to do something, they could do
22 it. If they didn't want to do it, they didn't have to
23 do it.

24 Q. And if they chose not to do it, would you work
25 with them again?

1 parts during this that you've got to make sure that
2 things are running correctly?

3 A. Yes.

4 Q. Okay. So again, your knowledge as a well test
5 operator is very applicable here?

6 A. Yes.

7 Q. Okay. And the more experience you have, the
8 better you're going to be at your job?

9 A. Yes.

10 Q. And during this phase, are you working with one
11 other operator typically?

12 A. Sometimes they jerk them from you and you're
13 there for 24 hours a day by yourself.

14 Q. But that's kind of the exception to the rule?

15 A. What do you mean "exception to the rule"?

16 Q. Typically you have another operator there with
17 you, but sometimes you're there by yourself?

18 A. No. Most of the time, they would pull somebody
19 off from you, and you would be out there by yourself.

20 Q. And you would be working a 24-hour shift by
21 yourself?

22 A. Yes.

23 Q. When would you sleep?

24 A. You would catnap.

25 Q. For how many days in a roll?

1 A. They could leave you there for a week. They
2 could leave you there for two or three months.

3 Q. Did you ever, while working for Priority, work
4 for two or three months, 24 hours a day, seven days a
5 week straight?

6 A. I can't really remember. I just -- I worked a
7 lot.

8 Q. To the best of your recollection, did you ever
9 work -- and I think that this is something that most
10 people would remember. Did you ever work two or three
11 months straight where you worked 24 hours a day, seven
12 days a week and were only allowed to sleep in catnaps?

13 MR. SULLIVAN: Object to the sidebar.

14 A. By myself?

15 Q. Right.

16 A. Not two or three months, no.

17 Q. Okay. What's the longest amount of time you
18 can remember working by yourself 24 hours a days, seven
19 days a week while working for Priority?

20 A. Two or three weeks, if not -- maybe more.

21 Q. How much more?

22 A. I don't -- I don't recollect. That's what I
23 said.

24 Q. And I'm just asking for what you can remember.

25 A. Yeah. Yeah. I don't remember. That's what

1 A. Uh-huh (affirmative).

2 Q. And then in 2014, you worked about seven
3 months, right?

4 A. Seven or eight, somewhere in there.

5 Q. We said February 4th, 2014, to September 11th,
6 2014. So that's about seven months and seven days.

7 A. Okay.

8 Q. Does that sound right?

9 A. Yeah.

10 Q. Okay. So looking at your W-2s there, you'll
11 agree with me that had you worked for the entire year
12 for 2013 or the entire year for 2014, mathematically you
13 would have made at least \$100,000 a year?

14 A. More than likely.

15 Q. But just speaking strictly mathematically?

16 A. Yes.

17 Q. Okay. And we've produced those in discovery.
18 So if you want a copy of those W-2s, all you've got to
19 do is to ask your attorney, and he'll get you a copy,
20 okay?

21 A. Okay.

22 Q. Have you ever been a witness in a lawsuit
23 before? I know I've asked you if you've been involved
24 in another lawsuit. But have you ever been a witness in
25 another lawsuit?

1 Testing?

2 A. Okay. I've just never seen it, so --

3 (Pause)

4 A. You should have the abilities, but you still
5 weren't a supervisor.

6 Q. Okay. So you're talking, again, about that
7 line in the overall purpose?

8 A. Yeah -- no, I'm not talking about that. I'm
9 talking about -- like here on the back where it says,
10 not to --

11 Q. And if you don't mind, would you look at the
12 bottom right-hand corner and refer to that Bates label
13 number?

14 A. Oh, 001715.

15 Q. Okay.

16 A. It says -- let me find -- "Capable of leading
17 crews of two personnel," which yes, you should be able
18 to do that, "while making knowledge decisions quickly
19 and efficiently." Yes, you should be able to do that.

20 Okay. Where did it go? Let me reread the
21 thing again.

22 Q. Sure. Take your time.

23 (Pause)

24 A. Right here. It says, "Ability to train, not
25 just supervise, lower level-employees on location with

1 equipment, job processes, and PES Policies."

2 So basically, you're not a supervisor on
3 location. I mean, yes, you can have the guy do whatever
4 you want to do or whatever, but you're not a supervisor.
5 You're always looked at as an equal because you're still
6 out there to work; you're still out there going to do
7 manual labor right beside them.

8 Q. Would you agree that according to this job
9 description, that maybe that's not the way Priority saw
10 that job?

11 A. Might be. I don't know.

12 Q. Based on reading this job description, do you
13 think that that's probably -- that Priority probably
14 treated this job position as a supervisor position?

15 A. No. I mean, not the way they -- not the way
16 they treated us in the field, no.

17 Q. So what I want you to do is take my pen. I
18 want you to mark out the two sentences that you just
19 told me you don't think belong in this job description,
20 and just write your initials next to it.

21 A. (Witness complies.) I'll just put the ability
22 not to supervise, because you should be able to do the
23 other stuff.

24 Q. Okay. So just cross out the -- cross out the
25 part that you didn't agree with.

1 you were told to do, so you go do it. That's a
2 supervisor, okay? That's what that is.

3 All right. As far as not being a
4 supervisor, you go do the job that they delegated you to
5 do, whether you want to do it or not do it. And I'm not
6 saying I don't want to do the job. I'm just saying
7 whether you want to do it or not, you go do the job if
8 you want to keep your job. So you do not have a call
9 whether I can't do it or I will do it. You do the job.

10 Q. So is it your opinion that supervisors have the
11 ability to decide they don't want to do a job?

12 A. No.

13 Q. You'll have to excuse me for not understanding
14 you.

15 A. Yeah.

16 Q. But it is a bit convoluted. So I want to
17 know --

18 MR. SULLIVAN: Object to the sidebar.

19 Q. I want to know the difference between what a
20 supervisor does on a daily basis in your opinion and
21 what you did as a Level 6 senior operator at Priority on
22 a daily basis.

23 A. Okay. From what I've seen a senior supervisor
24 do -- not a senior operator, just a supervisor -- they
25 set up the jobs; they call out the hands; they sit there

1 and they tell them how they want it rigged up, what's
2 going to happen, talk to the company man, coordinate
3 with that.

4 Q. Slow down, please.

5 A. A coordinator basically -- sometimes they would
6 go out there and help rig up. Sometimes they wouldn't.
7 That's -- that was a supervisor over there. But for the
8 most part, they didn't sit there and help for hours
9 rigging up. They would put one piece of line in and rig
10 it up and go. That's a supervisor.

11 So okay. Now, a senior hand would go out
12 there; they would be there rigging up everything,
13 swinging a hammer, laying iron, doing everything right
14 along with everybody else. Okay? And now since they're
15 a senior operator, they're going to tell them the
16 correct way to do it and not the correct way to do it.

17 So yes, you do have some say in what
18 happens because you've got to let them know the correct
19 way.

20 Q. What else?

21 A. Have them go get parts and stuff like that
22 while you're still sitting there trying to rig up your
23 other stuff, or you go get the parts while they're
24 rigging it up. That's why I'm saying we weren't a
25 supervisor. We were just a grunt like everybody else.